

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Simon BATES et al.)	Group Art Unit: 4112
)	
Application No.: 10/590,204)	Examiner: Bryan T. Kilpatrick
)	
Filed: August 22, 2006)	Confirmation No.: 5565
)	
For: ANALYSIS AND SCREENING OF)	
SOLID FORMS USING THE)	
ATOMIC PAIR DISTRIBUTION)	
FUNCTION)	

U.S. NATIONAL PHASE OF INTERNATIONAL APPLICATION NO.
PCT/US2005/006114

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed non-patent literature documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

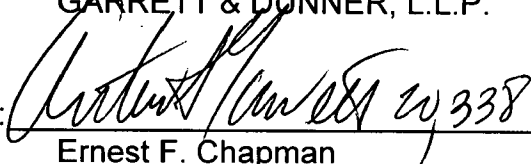
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By:


Ernest F. Chapman
Reg. No. 25,961

Dated: **May 4, 2007**

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/590,204
				Filing Date	August 22, 2006
				First Named Inventor	Simon BATES
				Art Unit	4112
				Examiner Name	Bryan T. Kilpatrick
				Attorney Docket Number	09013.0010
Sheet	1	of	1		

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/B.K./	1	US-2004/0103130 A1	27 MAY 2004	Ivanisevic et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

NONPATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
/B.K./	2	Peterson, P.F., et al., "Improved measures of quality for the atomic pair distribution function," J. Appl. Cryst. 36, pp. 53-64, (2003).	
/B.K./	3	SSCI, "Software," pp. 1-12.	
/B.K./	4	SSCI, "Analysis of disordered materials using XRPD and PDF transform: micro-crystalline - true amorphous?," pp. 1-17.	
/B.K./	5	Sheth, A.R., et al., "Polymorphism in Piroxicam," American Chemical Society, Crystal Growth & Design, 0, pp. 1-8, (April 2, 2004).	
/B.K./	5	E. Takeshi, "PDF analysis applied to crystalline materials," Local Structure from Diffraction, pp. 1-21 (1998).	
/B.K./	6	H. Drozdowski, "The molecular structure of liquid 1-phenylnaphthalene by X-ray diffraction, acta phsica slovaca, Vol. 51, No. 2, pp. 163-174 (April 2001).	
/B.K./	7	SSCI, "XRPD pattern analysis: from matching to molecular imaging," pp. 1-23.	

Examiner Signature	/Bryan Kilpatrick/ (07/20/2008)	Date Considered	07/20/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.